



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/612,109
Filing Date	July 1, 2003
First Named Inventor	EWERS, RICHARD C.
Art Unit	3761
Examiner Name	Unassigned
Attorney Docket Number	021496-002110US

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Supplemental; Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Return Postcard
PTO/SB/08A & PTO/SB/08B
15 Reference Copies |
|---|---|--|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
---------	--

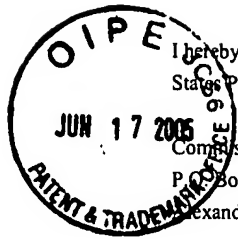
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	6/13/05	Reg. No.	29,541

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Jennifer O'Brien	Date	6-13-05



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

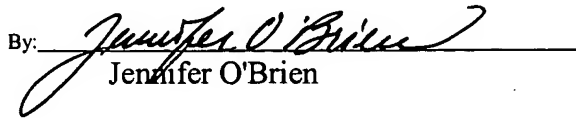
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Attorney Docket No.: 021496-002110US
Client Reference No.: USGI-001C

On 6-13-05

TOWNSEND and TOWNSEND and CREW LLP

By:


Jennifer O'Brien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RICHARD C. EWERS et al.

Application No.: 10/612,109

Filed: July 1, 2003

For: SHAPE LOCKABLE APPARATUS
AND METHOD FOR ADVANCING AN
INSTRUMENT THROUGH
UNSUPPORTED ANATOMY

Examiner: Unassigned

Art Unit: 3761

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37
CFR §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

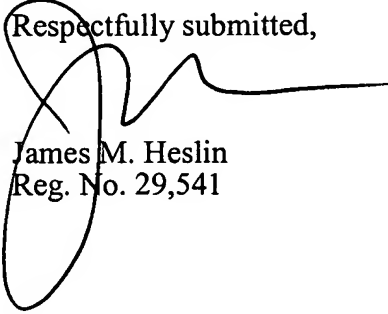
Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [excluding cited U.S. Patents, U.S. Patent Application publications, and appropriate IFW-stored, pending U.S. Patent Applications and portions thereof, per 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
JMH:tfw
60503377 v1



Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/612,109
		Filing Date	July 1, 2003
		First Named Inventor	EWERS, RICHARD C.
		Art Unit	3761
		Examiner Name	Unassigned
Sheet 1 of 3	Attorney Docket Number	021496-002110US	

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	4,235,238	11-25-1980	Ogiu et al.	
	2	5,037,433	08-06-1991	Wilk et al.	
	3	6,821,285 B2	11-23-2004	Laufer et al.	
	4	6,835,199 B2	12-28-2004	McGuckin, Jr. et al.	
	5	2003/0176890 A1	09-18-2003	Buckman et al.	
	6	2004/0122474 A1	06-24-2004	Gellman et al.	
	7	2004/0193117 A1	09-30-2004	Laufer et al.	
	8	2004/0193184 A1	09-30-2004	Laufer et al.	
	9	2004/0193193 A1	09-30-2004	Laufer et al.	
	10	2004/0193194 A1	09-30-2004	Laufer et al.	
	11	2004/0194790 A1	10-07-2004	Laufer et al.	
	12	2004/0210243 A1	10-21-2004	Gannoe et al.	
	13	2004/0215216 A1	10-28-2004	Gannoe et al.	
	14	2004/0243152 A1	12-02-2004	Taylor et al.	
	15	2004/0249362 A1	12-09-2004	Levine et al.	
	16	2004/0249392 A1	12-09-2004	Mikkaichi et al.	
	17	2004/0249395 A1	12-09-2004	Mikkaichi et al.	
	18	2005/0033320 A1	02-10-2005	McGuckin, Jr. et al.	
	19	2005/0043758 A1	02-24-2005	Golden et al.	
	20	2005/0049617 A1	03-03-2005	Chatlynne et al.	
	21	2005/0070931 A1	03-31-2005	Li et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	22	WO	02/060328	A1	08-08-2002	Rex Medical, Inc.		<input type="checkbox"/>
	23	WO	03/092509	A1	11-13-2003	Scimed Life Systems, Inc.		<input type="checkbox"/>
	24	WO	03/094785	A1	11-20-2003	Egan		<input type="checkbox"/>
	25	WO	03/105732	A1	12-24-2003	Cancel et al.		<input type="checkbox"/>
	26	WO	2004/004542	A2	01-15-2004	Satiety, Inc.		<input type="checkbox"/>
	27	WO	2004/019788	A2	03-11-2004	Scimed Life Systems, Inc.		<input type="checkbox"/>
	28	WO	2004/021894	A1	03-18-2004	Kelleher		<input type="checkbox"/>
	29	WO	2004/056273	A1	07-08-2004	Scimed Life Systems, Inc.		<input type="checkbox"/>
	30	WO	2004/084808	A2	10-07-2004	The Research Foundation of State University of New York		<input type="checkbox"/>
Examiner Signature					Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/612,109		
		Filing Date	July 1, 2003		
		First Named Inventor	EWERS, RICHARD C.		
		Art Unit	3761		
		Examiner Name	Unassigned		
Sheet	2	of	3	Attorney Docket Number	021496-002110US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	31	WO	2004/103189	A1	12-02-2004	C.R. Bard, Inc.		<input type="checkbox"/>
	32	WO	2005/004727	A1	01-20-2005	Endogun Medical Systems, Ltd		<input type="checkbox"/>
	33	WO	2005/037072	A2	04-28-2005	Esophyx, Inc		<input type="checkbox"/>
	34	WO	2005/037152	A1	04-28-2005	Synecor, LLC		<input type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

60503377 v1

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	10/612,109		
		Filing Date	July 1, 2003		
		First Named Inventor	EWERS, RICHARD C.		
		Art Unit	3761		
		Examiner Name	Unassigned		
Sheet	3	of	3	Attorney Docket Number	021496-002110US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	35	CHUTTANI et al., "A Novel Endoscopic Full-thickness Plicator for Treatment of GERD: An Animal Model Study," <i>Gastrointestinal Endoscopy</i> , Vol. 26, No. 1, (2002), pp. 116-122.	
	36	MASON, "Development of Future of Gastroplasties for Morbid Obesity," <i>Arch Surg</i> , Vol. 138 (April 2003), pp. 362-366.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.